

### **Remarks**

Claims 1-65 were pending. No claims are added or cancelled. Therefore, claims 1-65 are still pending.

Applicants request reconsideration of the restriction requirement. Specifically, Applicants request that Groups I and II be recombined. Claim 6 of Group I is directed to a transformed cell comprising an exogenous nucleic acid molecule encoding a beta-alanine/pyruvate aminotransferase and an exogenous nucleic acid molecule encoding dehydrogenase capable of converting malonate semialdehyde to 3-HP. Claim 42 of Group II is directed to a recombinant nucleic acid molecule comprising a nucleic acid molecule encoding a beta-alanine/pyruvate aminotransferase and a nucleic acid molecule encoding dehydrogenase capable of converting malonate semialdehyde to 3-HP. Thus, Group II provides specific examples of nucleic acid molecules that can be used in the transformed cells of Group I. As a result, a search of Group I will result in a search of the nucleic acid molecules of Group II, and thus there is no undue burden on the Office to search both groups of claims. Accordingly, Applicants request that Groups I and II be recombined.

Applicants elect Group I (claims 1-41), with traverse, for the reasons stated above.

Applicants also elect the following species: group (i) directed to beta-alanine/pyruvate amino transferase activity; SEQ ID NO: 19 as the beta-alanine/pyruvate amino transferase and SEQ ID NO: 25 as the alanine 2,3-aminomutase. Upon the allowance of a generic claim, Applicants are entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as per 37 C.F.R. § 1.141.

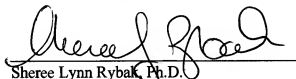
If there are any questions regarding this amendment, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By

  
Sheree Lynn Rybak, Ph.D.  
Registration No. 47,913